CITY COUNCIL MEETING MINUTES
CITY OF SANTA MARIA, CALIFORNIA
NOVEMBER 19, 2019 - CITY HALL COUNCIL CHAMBERS

CALL TO ORDER
Mayor Patino called the meeting to order at 5:15 p.m.

ROLL CALL:
MEMBERS PRESENT:
Mayor Alice Patino, Councilmember Michael Moats, Councilmember Mike Cordero, Councilmember Gloria Soto, and Councilmember Etta Waterfield

STAFF MEMBERS PRESENT:
City Manager Jason Stilwell, City Attorney Thomas Watson, and Chief Deputy City Clerk White (for roll call only).

PUBLIC COMMENT PERIOD
Sara Macdonald, representing the League of Women Voters, introduced herself.

Jerry Lee Tacus addressed the City Council.

RECESS - CLOSED SESSION
Mayor Patino recessed to a Closed Session at 5:21 p.m. for Conference with Legal Counsel - Exiting Litigation pursuant to Subdivision (d)(1) of Government Code Section 54956.9. Bob Sell & Joel Hutchison v. City of Santa Maria, Case No. 17CV01503, Superior Court of California, County of Santa Barbara.

INVOCATION
Jo Bob Moody of Church for Life gave the Invocation.

PLEDGE OF ALLEGIANCE
Councilmember Waterfield led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino reconvened the meeting and called the meeting to order at 5:30 p.m.

ROLL CALL:
MEMBERS PRESENT:
Mayor Alice Patino, Councilmember Michael Moats, Councilmember Mike Cordero, Councilmember Gloria Soto, and Councilmember Etta Waterfield

STAFF MEMBERS PRESENT:
City Manager Jason Stilwell, City Attorney Thomas Watson, Fire Chief Leonard Champion, Director of Finance Mary Harvey, City Librarian Mary Housel, Chief Information Officer Jeffrey Marecic, Director of Public Works/City Engineer Kevin McCune, Director of Community Development Chuen Ng, Director of Recreation & Parks Alex Posada, Police Commander Marc Schneider, Director of Utilities Shad Springer, and Chief Deputy City Clerk Rhonda White

Mayor Patino asked that a few slides be shown from the recent Halloween Trunk and Treat event at the Santa Maria Police Department. Commander Schneider commented about the success of the event.

CLOSED SESSION REPORT: CITY ATTORNEY
City Attorney Watson announced that by unanimous vote of the City Council instruction was given to enter into settlement negotiations with Plaintiffs to resolve the case.

1 PROCLAMATIONS/PRESENTATIONS

A. City Manager Stilwell presented the Going the Extra Mile (GEM) award to Dennis Smitherman of the Recreation & Parks Department in recognition of his efforts taking on multiple additional tasks overseeing daily operations of the Recreation Division, and his work with the Mayor's Task Force on Youth Safety.

B. Councilmember Moats presented a Proclamation recognizing the day of November 30, 2019, as Small Business Saturday in the City of Santa Maria. Jean Luc Garon, Manager of the Santa Maria Inn, accepted the Proclamation.

2 PUBLIC COMMENT PERIOD
There were no requests to speak.

3 CONSENT CALENDAR

Councilmember Soto asked that Items 3F (Various Technical Amendments to the Santa Maria Municipal Code) and 3G (Building and Fire Code Updates to the Santa Maria Municipal Code) be voted on separately. Consent Calendar Items 3A-3L were approved as presented, including the adoption of Resolution Nos. 2019-124, 2019-125, 2019-126, 2019-127, 2019-128, Ordinance Nos. 2019-09 and 2019-10. The recorded vote appears with each item below.

A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Agenda will be adopted by the same vote cast at the first meeting, unless City Council indicates otherwise.

Action: Readings were waived.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
carried. 5-0.

B. Approve the Minutes of the regular City Council meeting of November 5, 2019.

Action: Minutes were approved as submitted.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.

C. Adopt a Resolution 1) authorizing the submission of an application for a 2020 Census Outreach and Assistance Grant from the County of Santa Barbara to increase the census self-response rate in Santa Maria; 2) granting authority to execute all documents and take other required actions to effectuate the grant and its reporting; 3) authorizing appropriation of City funds in advance of the project; and 4) authorizing the submission of a request for full reimbursement upon completion of the grant.

Action: Authorization was granted.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-124. 5-0.

D. Accept as complete the installation of street trees associated with Acquistapace Homes, aka Harvest Glen, Tract 5845; and authorize the release of a Faithful Performance Bond [#08765884] in the amount of $300,250 posted in the form of a surety to guarantee the installation of 1,201 street and easement trees, including their maintenance for one year.

Action: The installation of street trees was accepted as complete, and the bond was authorized to be released.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.

E. Adopt a Resolution approving revisions to the Citywide Records Retention Schedule.

Action: Revisions to the Records Retention Schedule were approved.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-125. 5-0.

F. Conduct the second reading, and adopt Ordinance No. 2019-09 amending various sections of the Santa Maria Municipal Code relating to tree maintenance, water service, wastewater collection, treatment and disposal, parades and assemblies, rules of conduct at the Library, traffic regulations, and public safety and welfare.

Action: Second reading was conducted, and the Ordinance was adopted making various amendments to the Santa Maria Municipal Code.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Ordinance No. 2019-09. 4-1. Noes: Councilmember Soto.

G. Conduct the second reading, and adopt Ordinance No. 2019-10 amending Chapters 9-1 through 9-19 of Title 9 of the City of Santa Maria Municipal Code concerning building and fire regulations and adopting the International Property Maintenance Code, with amendments.

Action: Second reading was conducted, and the Ordinance was adopted approving the Building and Fire Codes, and the International Property Maintenance Code.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Soto.

H. Adopt a Resolution approving proposed changes recommended by the Block Grants Advisory Committee for the upcoming Community Development Block Grant Program 2020-21 funding process.

Action: Changes were approved to the upcoming Community Development Block Grant Program for the 2020-21 funding process.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.

Motion carried. Adopted as Resolution No. 2019-126. 5-0.

I. Payment of Warrants. Ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance.

Action: Ratified.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. 5-0.

J. Payment of Payroll. Ordered ratified subject to having been certified by the proper Department Directors, as shown on records on file in the Department of Finance, and having been approved for payment by the Director of Finance.

Action: Ratified.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. 5-0.

K. Adopt a Resolution approving the cooperative agreement with the California Department of Transportation for the project approval and environmental document for the US 101/State Route 135 (Broadway) Interchange.

Action: Cooperative Agreement was approved.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-127. 5-0.

L. Adopt a Resolution authorizing the execution of the fourth amendment of the lease with the Santa Maria Airport District for the property known as Pioneer Park.

Action: Fourth Amendment approved for Pioneer Park with the Santa Maria Public Airport District.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-128. 5-0.

4 APPOINTMENT

A. The City Council considered making one appointment to the *Block Grants Advisory Committee*. Councilmember Soto was given the opportunity to make one nomination for a term of three years ending in July 2022. Two new applications were received from Daisy Basulto and Ketan Panchal.

Councilmember Soto nominated Daisy Basulto. City Attorney Watson addressed a conflict of interest issue as Ms. Basulto is a Foodbank employee, and the Foodbank is a sub-recipient of the City's Community Development Block Grant funds.

Following City Attorney Watson's comments, Councilmember Soto asked to postpone the appointment. Staff was directed to continue advertising Board/Committee vacancies, and bring the item back to a future meeting.

5 REGULAR BUSINESS

A. **REGULATION OF TOBACCO RETAILERS.** The City Council considered an Ordinance amending the Santa Maria Municipal Code to institute a licensing requirement for tobacco retailers and prohibiting the sale of flavored tobacco products within the City.

City Attorney Watson gave the presentation as detailed in the Council Agenda Report.

Public Input
Chief Deputy City Clerk White indicated that staff had received 13 letters in support of the item from the following: Principal Shanda Herrera of Pioneer Valley High School; Family Practice Doctor Ryan Allen; Associate Pastor Sergio Gomez of Santa Maria Foursquare Church; Acting Superintendent John Davis of Santa Maria Joint Union High School District; Executive Director Wendy Sims-Moten of First Five of Santa Barbara County; District Attorney Joyce Dudley of the Santa Barbara County District Attorney's Office; Director of Critical Care Dr. Jeffrey Fried of Santa Barbara Cottage Hospital; Brenda Corona-Dugal; Director of Pupil Personnel Services Brian Zimmerman of Santa Maria-Bonita School District; Superintendent Luke Ontiveros of Santa Maria-Bonita School District; Dentist Michael Gomez; Police Chief Philip Hansen of the Santa Maria Police Department; and Principal Rhett Carter of Orcutt Academy High School.

Edwin Weaver, Dawn Dunn, Quintin and Dianne Moore, Shantal Hover-Jones, Alba Arias, Tiffany Vuong, Columba Solano, Ana Rueda, Esperanza Romero, Denise Page, Primo Castro, Alekza Camarena, Samantha Yruegas, Nick Razo, Adhiel Camarena, and Angel Lopez spoke in favor of the Ordinance.

KT Silva, Loren Eachus, Jennifer McMurrain, Ron Rich, Larry Hislop, Charles Austin, Frank Compston, Nour Kurdi, Tori Johnson, Laith Kurdi, Cole Milton, Jerry L. Tacus, and Helen Doan spoke against the Ordinance.

Council discussion
There was consensus of the City Council that the prohibition of menthol, mint, and wintergreen flavors should also be included in the Ordinance.

City Attorney Watson noted that the last sentence in Section 6-13.01(b) could be stricken from the Ordinance, which would then include the prohibition of menthol, mint, and wintergreen flavors. The Ordinance would be brought back to the next meeting for second reading and adoption.

Action: Introduce an Ordinance for first reading, and continue to the next meeting for second reading and adoption, amending the Santa Maria Municipal Code by adding Title 13 (Tobacco Retailers) to Chapter 6 (Public Safety and Welfare) to institute the licensure of tobacco retailers, and to prohibit the sale of flavored tobacco products.
Moved by Councilmember Cordero, seconded by Councilmember Moats.
Motion carried. Introduced as Ordinance No. 2019-11, as amended to strike the "Characterizing Flavor." 5-0.

B. **MODEL LEASE 2020 ENFORCEMENT AGREEMENT.** The City Council considered a Model Lease 2020 establishing an enforceable space rental agreement between mobile home owners and mobile home park owners.

Mayor Patino announced a short break before Item 5B was presented at 7:13 p.m. The meeting was reconvened at 7:24 p.m.

City Attorney Watson gave a presentation as detailed in the Council Agenda Report.

Public Input
Gary Hall, representing the North Santa Barbara County Manufactured Home Team, gave a presentation to the City Council requesting a revised Model Lease 2020 (accompanied by a rent control ordinance) that would remove the floor or minimum annual rent increase; reduce the maximum increase from 6 percent to 5 percent; and reduce the increase at the time of sale from 7.5 percent to 5 percent.

Lisa Toke, representing Casa Grande, Casa Del Rio, and Rancho Buena Vista mobile home park owners, gave a presentation to the City Council regarding the proposed enforceable Model Lease 2020 saying that rents had increased at a reasonable rate over the last 10 years; the 2.5 percent floor and 6 percent ceiling were reasonable based on average CPIs of 2.50 percent or greater; and that park owners were dealing with increasing costs while having already made various concessions to their renters.
Chief Deputy City Clerk White indicated two written communications had been received - one from Gary Hall in opposition to the item as presented, and one from Western Manufactured Housing Communities Association in support of the item as presented.

Daniel Swanson, Paul Kirk, Jackie Jones, Bob Hedley, John Vasquez, Mike Judge, Edward Young, Marc Scheible, Kathy Gentry, Baron McGee, and Jerry Tacus spoke in support of the item.

Susan Kappa, Esther Jensen, Eileen Encinias, Lois Sullivan, Frank Thompson, Jackie Narachi, Andrea Mayfield, and Ed Barbara requested a Rent Stabilization Ordinance, and a revised Model Lease.

Gary Hall and Lisa Toke each made closing comments.

Action: Adopt a Resolution authorizing the Mayor to execute the enforcement agreements for the Model Lease 2020 with mobile home park owners.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-129. 3-2. Noes:

C. **FIREWORKS LOTTERY AND CREATION OF NEW CHAPTER 6-13 OF THE SANTA MARIA MUNICIPAL CODE RELATING TO EXPLOSIVES AND FIREWORKS.** The City Council considered an Ordinance amending the Santa Maria Municipal Code to implement a lottery system permit process for fireworks booths.

Mayor Patino announced a short break before Item 5C was presented at 10:08 p.m. The meeting reconvened at 10:15 p.m.

Fire Chief Champion gave a presentation as detailed in the Council Agenda Report.

Public Input
Chief Deputy City Clerk White indicated that one written communication had been received from Revell Communications on behalf of TNT Fireworks requesting amendments to the proposed Ordinance.

Peggy Tomasello, Richard Tilley, Eddie Johnson, Lou Gilless, Mark Powell, and Jerry Tacus suggested grandfathering in already permitted fireworks booth operators.

Edwin Weaver suggested that the location of an organization, the people it serves, and the mailing address be taken into consideration when determining who may have a fireworks booth.

Louis Linney suggested putting dates in the Ordinance specifying when the lottery would be held and when the decision would be made; requiring a 501(c)(3) non-profit status to operate a fireworks booth; and expanding the categories allowed to sell fireworks to include religious and youth-based groups. He also suggested grandfathering in Orcutt and replacing groups as they drop out from year to year.

Action: After much discussion, staff was directed to draft a new version of the Ordinance to be brought forward at a future meeting for first reading to include grandfathering long-standing booth operators and putting in a transition period for grandfathered booth operators, adding time frames for the lottery, and specifically allowing religious and youth-based organizations.

D. **CALPERS CONTRACT AMENDMENT.** The City Council considered an amendment to the California Public Employees' Retirement System (CalPERS) Contract.

City Manager Stilwell gave a presentation as detailed in the Council Agenda Report.

Action: Adopt a Resolution of Intention to approve an amendment to the contract between the Board of Administration of CalPERS and the City Council of the City of Santa Maria in order to implement cost sharing for Service Employees International Union Local 620.
Moved by Councilmember Cordero, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-130. 5-0.

Action: Introduce an Ordinance for first reading, and continue to a future meeting for a second reading and adoption, authorizing an amendment to the contract between the Board of Administration of CalPERS and the City Council of the City of Santa Maria.
Moved by Councilmember Cordero, seconded by Councilmember Moats.
Motion carried. Introduced as Ordinance No. 2019-13. 5-0.

Action: Authorize the Chief Deputy City Clerk to execute required CalPERS certifications.
Moved by Councilmember Cordero, seconded by Councilmember Moats.
Motion carried. Authorization granted. 5-0.

REPORT BY CITY MANAGER
City Manager Stilwell reported that the next regular City Council meeting would be December 3, 2019. Items on the agenda would include a presentation on the City's new CAD Dispatch system and an ordinance for a City Art Program.

City Attorney Watson announced that new Assistant City Attorney, Heather Whitham, would be starting Monday, November 25th.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS)
Councilmember Cordero reported he attended a meeting with the mobile home owners; a CAC meeting; a fireworks meeting; a heath care roundtable; the southeast Town Hall Meeting; and a pre-goal setting workshop interview.

Councilmember Moats reported he attended meetings with Gary Hall and the mobile home park owners; the southeast Town Hall Meeting; and the pre-goal setting workshop interview.

Councilmember Waterfield reported she attended meetings with Gary Hall and the mobile home park owners; a meeting with Phillips 66; the Celebrate Philanthropy event; a Minerva meeting; the southeast Town Hall Meeting; and a CCWA meeting.

Councilmember Soto reported she attended meetings with Gary Hall and the mobile home park owners; the Celebrate Philanthropy event; a meeting with a constituent; and a meeting with the Community Development and Housing Policy Committee. She also requested a translator at each City Council meeting.

Mayor Patino reported she attended a Mayor's Task Force Teen Council meeting; the North County Subregional meeting; the southeast Town Hall Meeting; the pre-goal setting workshop interview; and a couple of Rotary meetings.

ADJOURNMENT

There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 11:30 p.m.

Approved at a regular meeting on December 3, 2019.

Rhonda M. White, CMC
Chief Deputy City Clerk and ex officio Clerk
of the City Council

ATTEST:

Rhonda M. White, CMC
Chief Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria